

REMARKS

Claims 1-7, 9-11 and 13-16 are pending.

Claim 1 is an independent claim.

Interview

The Interview Summary correctly summarizes the interview of March 31, 2003.

Entry of Amendment

Entry of the amendment to the claims should be entered because it adopts the Examiner's suggestion for claim 16 and cancels claim 12. This amendment to the claims reduces issues for appeal.

Reply to Objections

The title of the invention was objected to. A new title has been provided. The Examiner is requested to reconsider and withdraw the objection to the title.

Claim 16 was objected to because it fails to end with a period. Claim 16 has been amended to provide a period. The Examiner is requested to reconsider and withdraw the objection to claim 16 in view of the amendment to claim 16.

Drawings

The indication that the drawing filed on November 2, 2004 has been approved has been noted.

Restriction Requirement

On page 2, the Examiner required a restriction requirement. Actually, this is a repeat of a previous restriction requirement and claim 8, drawn to a method of assembling a door, was canceled in the last Office Action. Accordingly, no comments are considered necessary.

Reply to Rejections

Claim 12 was rejected under 35 U.S.C. § 112 for the reasons set forth on page 3 of the Office Action. To expedite prosecution, claim 12 has been canceled.

Second Rejection

Claims 1-4, 6 and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Okamoto et al. This rejection is traversed.

Initially, the claims are not anticipated by Okamoto et al. According to MPEP § 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2D 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2D 1913 (Fed. Cir. 1989). The elements must be arranged as required by the

claims, but this is not an *ipsis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Secondly, in reading Okamoto, the Office Action asserts that element 1 is the outer panel and that element 2 is the inner panel. Actually, element 2, which is made up of parts 2A, 2B and 2C, is described in the reference as an interior side trim section 2 (see column 3, line 34 of the reference). The inner panel in the reference is element B (see column 3, line 31 of the reference). While the Office Action asserts that the base plate is element B, it is not as it is described as the inner panel in the reference. Also, reinforcing member 13 is not attached to the base plate as claimed in claim 3 and as shown in the present specification and drawings.

With respect to the dependent claims depending on claim 1, these claims are considered patentable at least for the same reasons as the base claim.

As each and every limitation of the claims is not shown specifically or inherently in the reference, a rejection under 35 U.S.C. § 102 is not viable.

In response to previous arguments, the Examiner on page 5 of the Office Action further explained his rejection and interpretation of the reference. It is clear what the Examiner is stating is that he has given the broadest reasonable interpretation

to the claims as explained in MPEP § 2111. It is submitted that the Examiner's interpretation is not reasonable and would not be considered reasonable by those skilled in the art. See the last paragraph of MPEP § 2111.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection under 35 U.S.C. § 102.

Third Rejection

Claims 1, 5, and 9-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sakaguchi et al. This rejection is traversed as to the remaining claims.

While the reference shows an inner panel 20, 21 and 22 and an outer panel 12 (see column 3, lines 25-34), element 12 is not a base plate as asserted. Element 12 is a door module and not a base plate (see the paragraph bridging columns 3-4 of the reference). In the reference, element 55 is a base plate. See column 4, lines 4 and 5 of the reference. But this base plate does not cover the central opening of the inner panel in the context claimed.

As each and every limitation of the claims is not shown or suggested by the reference, a rejection of claims 1 and its dependent claim 5 are not viable.

With respect to claim 9, this claim requires that the base plate is located between the inner panel and the outer panel. It is submitted that the Examiner did not consider this structure.

Quite clearly, the reference cited, even based on the interpretation by the Examiner, does not show this structure.

With respect to the other dependent claims, these claims are not considered patentable at least for the same reasons as their base or intervening claims.

In the response to the arguments on page 5 of the Office Action based on the rejection on Sakaguchi et al., the Examiner further explains why he considers the claims anticipated. For the reasons set forth with respect to the rejection based on Okamoto et al., it is submitted that the Examiner's interpretation of the claims is not reasonable.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejections under 35 U.S.C. § 102.

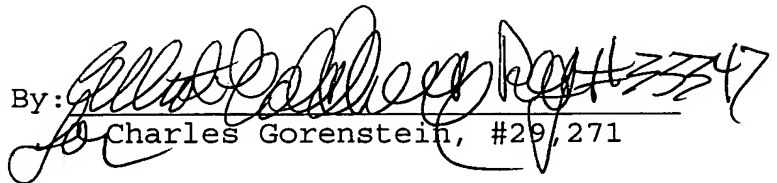
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. 33,347) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 
Charles Gorenstein, #29,271

CG/EAG/slb
0649-0931P

P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000